

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 01-2066

THOMAS AFFINITO,

Appellant

v.

ROY HENDRICKS; ATTORNEY GENERAL OF THE STATE
OF NEW JERSEY

Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 99-cv-02560)
District Judge: Honorable Joseph A. Greenaway, Jr.

Argued July 28, 2003

Before: SCIRICA, Chief Judge, RENDELL and AMBRO, Circuit Judges

(Opinion filed: May 4, 2004)

Jean D. Barrett, Esquire (Argued)
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ORDER AMENDING PUBLISHED OPINION

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed May 4, 2004, be amended as follows:

On the caption page, in the second column, second line of the first paragraph, replace the year date “1998” with “1988”.

On the caption page, in the second column, eighth line of the first paragraph, insert a “.” immediately after the word “petition”, and replace the word “but” with the word “We” so that the sentence reads: “The District Court denied Affinito’s petition. We granted a certificate of appealability as to whether Affinito received ineffective assistance of counsel at his trial.”

On page five, second column, in the last two sentences of the last full paragraph, replace the “.” after the word “petition” with a “,”; change the capital “W” in “We” to a lowercase “w”; and insert the word “and” between the words “petition” and “we” so that the sentence reads: “As noted, the District Court denied Affinito’s petition, and we granted a certificate of appealability on the issue of whether Russell provided ineffective assistance of counsel.”

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: May 12, 2004